

Washington, Saturday, January 28, 1939

The	Presi	Jont
rne	Presi	aeni

BADLANDS NATIONAL MONUMENT—SOUTH DAKOTA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the act of March 4, 1929, 45 Stat. 1553, provides for the establishment of a national monument to be known as the Badlands National Monument upon certain lands in the State of South Dakota when a quantum of such lands satisfactory to the Secretary of the Interior shall have been acquired by and transferred to the United States for monument purposes, and when certain other conditions set forth in the said act shall have been complied with; and

WHEREAS Title II of the act of June 26, 1936, 49 Stat. 1979, authorizes the extension of the boundaries of the said monument to include certain adjacent or contiguous lands as may be determined by the President within five years from the approval of that act to be necessary for the proper rounding out of the boundaries of the said monument or the administration thereof, providing the entire area of said monument shall not exceed 250,000 acres; and

WHEREAS all the conditions precedent of the above-mentioned acts have been complied with:

NOW THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of and pursuant to the authority vested in me by section 6 of the aforesaid act of March 4, 1929, and Title II of the aforesaid act of June 26, 1936, do proclaim that, subject to all valid existing rights, the following-described lands in South Dakota are hereby set aside, dedicated, and reserved as the Badlands National Monument:

Black Hills Meridian

South Dakota

T. 3 S., R. 13 E., sec. 12, 5½, sec. 13, all; sec. 23, 5½, secs. 24 to 26, inclusive; secs. 31 to 36, inclusive;

T. 4 S., R. 13 E., secs. 3 to 10, inclusive;
secs. 15 to 22, inclusive;
T 1 S., R. 14 E., Sec. 34. SIANIA, SIA.
sec. 34, S½N½, S½, sec. 35, S½N½, S½,
sec. 36, S½N½, S½, T. 2 S., R. 14 E.,
T. 2 S., R. 14 E., secs. 1 to 3, inclusive;
secs. 10 to 15, inclusive; sec. 16, E½, sec. 21, E½, secs. 22 to 27, inclusive; sec. 28, E½, secs. 33 to 36, inclusive;
sec. 21, E½,
sec. 28, E½.
secs. 33 to 36, inclusive; T. 3 S., R. 14 E.,
sers I to 4 incllision
sec. 7, 8½, sec. 8, 5½,
sec. 8, S½, secs. 9 to 19, inclusive; secs. 22 to 27, inclusive;
sec. 35, all;
sec. 36, all; T. 1 S., R. 15 E.,
sec. 31, 51/2 N1/2, 51/2,
sec. 32, all; sec. 33, S½,
T. 2 S., R. 15 E.,
sec. 1, SW!4, secs. 2 to 36, inclusive;
T. 3 S., R. 15 E.,
sec. 11, W%, W%E%.
secs. 1 to 10, inclusive; sec. 11, W½, W½E½, sec. 14, W½, W½E½, secs. 15 to 21, inclusive;
sec. 22, W1/2,
sec. 22, W½, sec. 27, W½, secs. 28 to 33, inclusive; sec. 34, W½,
sec. 34, W!2,
T. 2 S., R. 16 E., sec. 7, S½, sec. 8, S½,
secs. 14 to 23, inclusive, 26 to 35, inclu-
sive;
T. 3 S., R. 16 E., sec. 1, S½,
sec. 2, all;
sec. 3, N½, SE¼, sec. 11, N½, SE¼,
sec. 12, all;
sec. 13, all; sec. 24, all;
T. 3 S., R. 17 E.,
sec. 6, W%SW¼, secs. 7 to 29, inclusive;
secs. 32 to 36, inclusive;
T. 4 S., R. 17 E.,
secs. 1 to 5, inclusive; secs. 8 to 17, inclusive;
secs. 20 to 23, includive:
T. 3 S., R 18-E., secs. 13 to 30, molusive;
ECC. 32, 711/2,

sec. 33, N; ; , sec. 35, N; ; .

sec. 36, N/2.

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T. 3 S., R. 19 E., secs. 16 to 21, inclusive; secs. 28 to 30, inclusive; sec. 31, N½; sec. 32, N½; sec. 33, N½; Containing 150,103.41 acres.

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Executive Order No. 6909 of November 21, 1934, withdrawing certain lands in South Dakota for the use of the Federal Emergency Relief Administration, is hereby revoked in so far as it affects any of the above-described lands.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument, and not to locate or settle upon any of the lands thereof.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this monument as provided in the act of Congress entitled "An Act To establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535, U.S.C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 25" day of January in the year of our Lord nineteen hundred and thirty-nine, and of the Independence of the

[SEAL] United States of America the one hundred and sixty-third.

Franklin D Roosevelt

By the President:

CORDELL HULL,

The Secretary of State.

INO.-23201

[F. R. Doc. 39-312; Filed, January 27, 1939; 11:38 a. m.] .

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

BUREAU OF AGRICULTURAL **ECONOMICS**

PART 46—AMENDMENT TO REVISED RULES AND REGULATIONS FOR CARRYING OUT THE PROVISIONS OF THE PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930, AS AMENDED

By virtue of the authority vested in the Secretary of Agriculture by an "Act to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce", approved June 10, 1930 (46 Stat. 531), as amended April 13, 1934 (48 Stat. 584; 7 U. S. C. scc. 499 a-r), June 19, 1936 (49 Stat. 1533; 7 U. S. C. Sup. II), August 20, 1937 (50 Stat. 725; 7 U.S.C. Sup. III), and June 23, 1938 (52 Stat. 953)," I, H. A. Wallaco, Secretary of Agriculture, do make, publish, and give public notice of the following amendments, to become effective immediately, to the revised rules and regulations of the Secretary of Agriculture of March 1, 1938, as amended on September 9, 1938.1

Amend Regulation 1, Section 3 (Sec. 46.03) by striking out paragraph 4 (Sec. 46.03 (d)) thereof.

Amend Regulation 3, Section 1 (Sec. 46.05) by striking out paragraph 2 (Sec. 46.05 (b)) thereof.

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington this 27th day of January 1939.

[SEAL] H. A. WALLACE, Secretary of Agriculture.

[F. R. Doc. 39-315; Filed, January 27, 1939; 12:10 p. m.]

TITLE 16—COMMERCIAL PRACTICES FEDERAL TRADE COMMISSION

[Docket No. 2832]

IN THE MATTER OF THORSON'S SOAP LAKE PRODUCTS COMPANY

Sec. 3.6 (t) Advertising falsely or misleadingly—Qualities or properties of product. Representing, in connection with offer, etc., in interstate commerce and in District of Columbia, of packaged mineral salts from Soap Lake, Wash., that respondent's "Thorson's Soap Lake Salts", "Thorson's Skin-Aid Soap Lake Soap", etc., whether sold under aforesaid or other names, will prevent or cure, or are beneficial in treatment of, stomach, liver, bowel and kidney conditions; rheumatism, diabetes, catarrh, skin diseases, diseases of the blood and hair, foot and eye

¹3 F. R. 2208 DI.

trouble, and a great variety of ailments, afflictions or conditions of the human body, as specified; or that said salts have such effect in or on any similar ailments, afflictions or conditions which may be present in the body, other than such conditions as may be benefited by the laxative, diuretic or cleansing properties of said salts, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45bl [Cease and desist order, Thorson's Soap Lake Products Company, Docket 2832, January 16, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of January, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Avres

In the Matter of Roxie Thorson, an individual, Trading as Thorson's Soaf Lake Products Company

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that she waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts, and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondent, Roxie Thorson, individually and trading as Thorson's Soap Lake Products Company, or under any other name, her representatives, agents and employees, in connection with the offering for sale, sale and distribution in interstate commerce and in the District of Columbia of packaged mineral salts obtained from Soap Lake, Washington, now designated as "Thorson's Soap Lake Salts", "Thorson's Effervescent Soap Lake Salts", "Thorson's Soap Lake Liniment", "Thorson's Skin-Aid Soap Lake Ointment", "Thorson's Soap Lake Shampoo", and "Thorson's Skin-Aid Soap Lake Soap" whether sold under those names or under any other names, do forthwith cease and desist from representing, directly or by inference:

That said mineral salts obtained from the waters of Soap Lake, Washington, will prevent or cure, or are beneficial in the treatment of stomach, liver, bowel and kidney conditions; rheumatism, diabetes, catarrh, skin diseases, female trouble, diseases of the blood, diseases of the hair, psoriasis, pyorrhea and sore gums, gangrene, foot trouble, eye trouble, eczema, lumbago, dropsy, pleu-

It is further ordered, That the respondent shall, within sixty (60) days after service upon her of this order, file with the Commission a report in writing setting forth in detail the manner and form in which she has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,

Secretary.

[F. R. Doc. 39–287; Filed, January 26, 1939; 1:28 p. m.]

[Docket No. 3487]

IN THE MATTER OF TEXAS TASTY COMPANY

Sec. 3.6 (f) Advertising falsely or misleadingly-Demand or business opportunities: Sec. 3.6 (y 1) Advertising falsely or misleadingly—Scientific or other relevant facts. Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of confections known as "Penny Nips", that such confection is a non-competitive article of merchandise, or that products similar to respondent's have never been sold in territory allotted to dealer, or that no state or municipal license will be charged dealer for selling respondent's confection in territory allotted to him, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Texas Tasty Company, Docket 3487, January 10, 1939]

Sec. 3.6 (t) Advertising falsely or misleadingly—Qualities or properties of product. Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of confections known as "Penny Nips", that such confection will remain in marketable condition in weather temperature up to 132° Fahrenheit, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Texas Tasty Company, Docket 3487, January 10, 1939]

SEC. 3.6 (1) Advertising falsely or misleadingly—Indorsements and testimonials: Sec. 3.18 Claiming indorsements or testimonials falsely. Falsely representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of confections known as "Penny Nips", that city officials of Fort Worth, Tex., or of any other city, have certified purity of such confection, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order,

trouble, and a great variety of ailments, risy, dyspepsia, ivy and oak poisoning, Texas Tasty Company, Docket 3487, Janaffictions or conditions of the human sunburn, insect bites, chilblains, frost- uary 10, 1939]

Sec. 3.6 (c) Advertising falsely or misleadingly—Composition of goods. Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of confections known as "Penny Nips", that liquid in such confection is pure fruit juice, prohibited. (Sac. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Texas Tasty Company, Docket 3487, January 10. 1939]

Sec. 3.6 (e) Advertising falsely or misleadingly-Dealer assistance: Sec. 3.72 (1) Offering deceptive inducements to purchase-Sales assistance. Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of confections known as "Penny Nips", that respondent's representatives or agents will remain in territory allotted to dealer under contract, to aid dealer in sale of respondent's product, until dealer has sold merchandise equaling amount of dealer's advance to respondent's representative or agent as consideration for contract, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Texas Tasty Company, Docket 3487, January 10, 19391

Sec. 3.6 (ee) Advertising falsely or misleadingly-Terms and conditions: Sec. 3.72 (n 1) Offering deceptive inducements to purchase—Terms and conditions. Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of confections known as "Penny Nips", that such confection will be shipped by respondent to bonded warehouse, where dealer may withdraw it in small quantities by paying amount due on each small box so withdrawn, or that it will be shipped to purchasers, charges prepaid, unless so shipped, or that free merchandise will be shipped to dealer to reimburse him for expense incurred in paying shipping charges, unless such merchandise is actually shipped, prohibited. (Sec. 5b, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Texas Tasty Company, Docket 3487, January 10, 1939]

Sec. 3.6 (i) Advertising falsely or misleadingly—Free goods or service: Sec. 3.72 (e) Offering deceptive inducements to purchase—Free goods. Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of confections known as "Penny Nips", that free merchandise will be shipped to dealer to reimburse him for expense incurred in paying shipping charges, unless such merchandise is actually shipped, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) ICease and desist order, Texas Tasty Company, Docket 3437, January 10, 19391

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in

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risy, dyspepsia, ivy and oak poisoning, sunburn, insect bites, chilblains, frost-bite, cramps of muscles, scalds, wounds and sores, high blood pressure, auto-intoxication, nervous ailments, excess acidity, constipation, arthritis, neuritis, and Buerger's disease, or any similar ailments, afflictions or conditions which may be present or exist in the human body other than conditions which may be benefited by the laxative, diuretic or cleansing properties of said mineral salts.

the City of Washington, D. C., on the 10th day of January, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF FLOYD IRL SORRELLS TRADING AS TEXAS TASTY COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard 1 by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admits all of the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered. That the respondent, Floyd Irl Sorrells, an individual trading as the Texas Tasty Company or under any other trade name, his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of confections known as "Penny Nips", whether sold under that name or under any other name, in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

Representing directly or in any manner whatever

- (1) that such confection is a noncompetitive article of merchandise:
- (2) that such confection will remain in marketable condition in weather temperature up to 132° Fahrenheit:
- (3) that the city officials of Fort Worth, Texas, or of any other city, have certified the purity of such confection, until and unless such officials have so certified respondent's confection;
- (4) that the liquid in such confection is pure fruit juice;
- (5) that respondent's representatives or agents will remain in the territory allotted to a dealer under contract, for the purpose of aiding the dealer in his sale of respondent's product, until the dealer has sold merchandise equaling the amount the dealer advanced to respondent's representative or agent as a consideration for the contract;
- (6) that such confection will be shipped by respondent to a bonded warehouse, where the dealer may withdraw it in small quantities by paying the amount due on each small box so with-
- (7) that free merchandise will be shipped to the dealer to reimburse him for expense incurred in paying shipping charges, unless such merchandise is actually shipped:

- shipped to purchasers charges prepaid, respondent's hosiery will last from six unless it is in fact so shipped;
- (9) that products similar to respondent's confection or respondent's confection have never been sold in the territory allotted to the dealer, when such is not the fact:
- (10) that no state or municipal license will be charged the dealer for selling respondent's confection in the territory allotted to such dealer.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAT.]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 39-288; Filed, January 26, 1939; 1:28 p. m.]

[Docket No. 3510]

IN THE MATTER OF PAR-TEX HOSIERY MILLS

SEC. 3.72 (ma) Offering deceptive inducements to purchase-Sample or order conformance. Falsely representing, directly or by means of sales agents or otherwise, in connection with offer, etc., in interstate commerce or in District of Columbia, of hosiery, that hosiery purchased will be of grade, quality, texture and color corresponding to samples selected by purchaser, or supplying purchasers with hosiery of grade, texture and quality different from that of samples exhibited by sales agents and representatives of respondent, from which purchasers have made selections, and forwarding to purchasers hosiery of different color and size from that selected. prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Par-Tex Hosiery Mills, Docket 3510, January 10, 1939]

Sec. 3.69 (b) (7a) Misrepresenting oneself and goods-Goods-Manufacture. Representing, on part of respondent, his agents, etc., in connection with offer, etc., in interstate commerce or in District of Columbia, of hosiery, that respondent's hosiery is woven with a special lock-stitch, prohibited. (Sec. 5b, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Par-Tex Hosiery Mills, Docket 3510, January 10, 19397

SEC. 3.69 (b) (12) Misrepresenting oneself and goods-Goods-Qualities or properties. Representing, on part of respondent, his agents, etc., in connection with offer, etc., in interstate commerce or in District of Columbia, of hosiery, that the weave or stitch in respondent's hosiery will prevent it from snagging, running or developing holes, or representing, by means of guarantee 10th day of January, A. D. 1939.

(8) that such confection will be or otherwise, that under normal wear to twelve months or any other specified period, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Par-Tex Hosiery Mills, Docket 3510. January 10. 19391

> SEC. 3.72 (k 1) Offering deceptive inducements to purchase-Replacement guarantee. Falsely representing, on part of respondent, his agents, etc., in connection with offer, etc., in interstate commerce or in District of Columbia, of hosiery, by guarantee, or otherwise, that respondent will replace worn with new hosiery within any specified time provided by guarantee, prohibited. (Scc. 5b, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Par-Tex Hosiery Mills, Docket 3510, January 10, 1939]

> SEC. 3.69 (a) (4) Misrepresenting oncself and goods-Business status, advantages or connections-Dealer as manufacturer: BEC. 3.96 (b) (5) Using misleading name—Vendor—Producer or laboratory status of dealer. Falsely representing, on part of respondent, his agents, etc., in connection with offer, etc., in interstate commerce or in District of Columbia, of hosiery, through use of word "Mills", or any other word or term of similar import or meaning, in respondent's trade name, or otherwise, that respondent manufactures ladies' hosiery, prohibited. (Sec. 5b, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Par-Tex Hoslery Mills, Docket 3510, January 10, 1939]

> SEC. 3.41 Delaying or withholding corrections or adjustments: Sec. 3.72 (a. 1) Offering deceptive inducements to purchase-Adjustments and corrections. Unduly and unreasonably delaying, in connection with offer, etc., in interstate commerce or in District of Columbia, of hosiery, correction of mistakes in filling orders therefor, or failing and neglecting to make adjustments as promised, or retaining hosiery sent in for exchange or adjustment of mistakes and failing or neglecting to refund the money paid by such purchasers, or refusing to make adjustments on ladies' hoslery returned, where not accompanied by remittance of from 35 to 45 cents per pair, unless and until respondent informs purchasers attime of placing original orders for said hosiery that adjustments will only be made when accompanied by such remittances, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Par-Tex Hosiery Mills, Docket 3510, January 10, 1939]

United States of America-Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the

¹3 F. R. 2572 DI.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Avres.

IN THE MATTER OF EDWARD E. PARTAIN,
TRADING AS PAR-TEX HOSIERY MILLS

ORDER TO CEASE AND DESIST

This proceeding having been heard' by the Federal Trade Commission upon the complaint of the Commission and the substituted answer of respondent filed herein on November 28, 1938, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearings as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

- It is ordered, That the respondent, Edward E. Partain, an individual trading as Par-Tex Hosiery Mills, or under any other name, his agents, servants, representatives, and employees, in connection with the offering for sale, sale, and distribution of hosiery in interstate commerce or in the District of Columbia, do forthwith cease and desist from, directly or through any corporate or other device:
- (a) Representing directly or by means of sales agents or otherwise that the hosiery purchased will be of a grade, quality, texture and color corresponding to samples selected by the purchaser unless he does in fact deliver to such purchasers, hosiery of the same grade, quality, texture and color as that selected by the purchaser;
- (b) Representing that his hosiery is woven with a special lock-stitch;
- (c) Representing that the weave or stitch in his hosiery will prevent the hosiery from snagging, running or developing holes:
- (d) Representing by means of a guarantee, or by other means, that under normal wear, his hosiery will last from six to twelve months or any other specified period of time;
- (e) Representing by means of a guarantee, or by other means, that he will replace worn hosiery with new hosiery within any specified time provided by such guarantee unless he does in fact make replacements in accordance with such guarantee;
- (f) Representing, through use of the word "Mills", or any other word or term of similar import or meaning, in his trade name or in any other manner, or through any means or device, that he manufactures ladies' hosiery until and unless he owns and operates or directly and absolutely controls a manufacturing plant wherein ladies' hosiery is manufactured by him;
 - ¹3 F. R., 2572 DI.

- (g) Supplying purchasers with hosiery of a grade, texture and quality different from that of the samples exhibited by the sales agents and representatives of respondent, from which the purchasers have made selections and from forwarding to purchasers hosiery of a different color and size from that selected by such purchasers;
- (h) Unduly and unreasonably delaying the correction of mistakes in filling orders, or failing and neglecting to make adjustments as promised;
- (i) Retaining hosiery sent in for exchange or adjustment of mistakes and failing or neglecting to refund the money paid by such purchasers;
- (j) Refusing to make adjustment on ladies' hosiery returned where such hosiery is not accompanied by a remittance of from 35 to 45 cents per pair unless and until he informs the purchasers at the time of the placing of the original order for said hosiery that adjustments will only be made when accompanied with such remittances;

It is further ordered, That the respondent shall, within sixty (60) days after the service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 39-289; Filed, January 26, 1939; 1:29 p. m.]

[Docket No. 3517]

IN THE MATTER OF COLUMBIA REFINING COMPANY

Sec. 3.6 (a) (22) Advertising falsely or misleadingly-Business status, advantages or connections of advertiser-Producer status of dealer-Manufacturer: Sec.3.66 (g) Misbranding or mislabeling-Producer status of dealer: Sec. 396 (b) (5) Using misleading name-Vendor-Producer or laboratory status of dealer. Falsely representing, in connection with offer, etc., of motor oils and lubricants, in interstate commerce or in District of Columbia, through use of word "Refining". or any word or term of similar import, in its corporate name, catalogs, etc., or otherwise, that respondent is a manufacturer or refiner of lubricating oils and greases, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Columbia Refining Company, Docket 3517, January 18, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 18th day of January, A. D. 1939. Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearings as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Columbia Refining Company, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its motor oils and lubricants in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

Representing, through the use of the word "Refining" or any word or term of similar import and meaning, in its corporate name, catalogs, advertising material or in any other manner, or through any means or device that it is a manufacturer or refiner of lubricating oils and greases until and unless it owns and operates or directly and absolutely controls a refinery wherein such lubricating oils and greases are manufactured or refined by it.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Dec. 33-234; Filed, January 26, 1939; 3:55 p. m.]

[Docket No. 3607]

IN THE MATTER OF NATIONAL BISCUIT COMPANY

Sec. 3.39 Dealing on exclusive and tying basis. Entering into any contract, agreement, or understanding with wholesalers, jobbers or any other dealer in bakery and packaged food products, in connection with offer, etc., of such products in interstate commerce or in District of Columbia, that such wholesaler, etc., shall not deal in said products made by any one other than respondent; or agreeing to pay, and paying, to any such wholesaler, etc., commissions, dis-

¹³ F. R. 2523 DL

agreement or understanding of such wholesaler, etc., that he shall not deal in products of a competitor of respondent, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b; Sec. 3, 38 Stat. 731; 15 U. S. C., sec. 14) [Cease and desist order. National Biscuit Company, Docket 3607, January 17, 1939]

Sec. 3.39 Dealing on exclusive and tying basis. Making any sale or contract for sale of bakery and packaged food products for use, consumption, or resale, or fixing a price charged therefor, or discount from, or rebate upon, such price, in connection with offer, etc., of such products in interstate commerce or in District of Columbia, on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in the goods, wares, merchandise, supplies or other commodities of a competitor or competitors of respondent, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b; Sec. 3, 38 Stat. 731; 15 U. S. C., sec. 14) [Cease and desist order, National Biscuit Company, Docket 3607, January 17, 19391

United States of America-Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of January, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Avres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into between the respondent herein and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondent herein findings as to the facts and conclusions based thereon and an order disposing of the proceedings, and the Commission having made its findings as to the facts and conclusions that said respondent has violated the provisions of the Federal Trade Commission Act, and also the provisions of Section 3 of an Act of Congress approved October 15, 1914, entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes";

It is ordered, That the respondent, National Biscuit Company, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of bakery and packaged food products in interstate commerce or in the | 13 F. R. 2534, 3127 DI.

and desist from:

- 1. Entering into any contract, agreement, or understanding with wholesalers, jobbers or any other dealer in bakery and packaged food products, that such wholesaler, jobber and dealer shall not deal in bakery and packaged food products made by any one other than the respondent; and from agreeing to pay, and from paying, to any such wholesaler, jobber or any other dealer commissions, discounts or compensation of any kind upon the agreement or understanding of such wholesaler, jobber or dealer, that he shall not deal in the products of a competitor of respondent.
- 2. Making any sale or contract for the sale of bakery and packaged food products for use, consumption, or resale, or fix a price charged therefor, or discount from, or rebate upon, such price on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in the goods, wares, merchandise, supplies or other commodities of a competitor or competitors of the respondent.

It is further ordered, That the respondent shall, within sixty days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 39-295; Filed, January 26, 1939; 3:56 p. m.]

TITLE 29-LABOR

WAGE AND HOUR DIVISION

FINDING THAT THE BRANCH OF TOBACCO INDUSTRY ENGAGED IN HANDLING CER-TAIN TYPES OF LEAF TOBACCO IS A SEA-SONAL INDUSTRY WITHIN THE MEANING OF SECTION 7 (B) (3) OF THE FAIR LABOR STANDARDS ACT AND REGULATIONS IS-SUED THEREUNDER

Whereas, applications have been made by the Tobacco Association of the United States and sundry other parties engaged in the buying, handling, stemming, redrying, packing and storing of leaf tobacco of types 11, 12, 13, 14, 21, 22, 23, 24, 31, 35, 36, and 37 (as defined by the Bureau of Agricultural Economics of the United States Department of. Agriculture) pursuant to Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of regulations issued thereunder,1 for partial exemptions from the maximum hours provisions of Section 7 (a) of said Act pursuant to the provisions of said Section 7 (b) (3) applicable to industries found

counts or compenation of any kind upon | District of Columbia, do forthwith cease | by the Administrator of the Wage and Hour Division to be of a seasonal nature, and

> Whereas, it appeared from said applications that:

- (1) the operations of buying, handling, stemming, and redrying of green leaf tobacco of the types above enumerated and the packing and storing thereof include operations essential to the preservation of a perishable agricultural product, and
- (2) the plants of the green leaf tobacco handlers wherein said operations are performed, close at the end of the operating season each year except for maintenance, repair, clerical and sales work, and
- (3) the earliest season begins about August first and the latest about January first and that the shortest season is about four weeks and the longest about four months, and
- (4) green tobacco, being the materials used by the industry, is available for natural reasons only at the above indicated times of the year when the plants are in operation, and

Whereas, the Administrator on the basis of such applications and pursuant to Section 526.5 (c) of the aforesaid regulations published in the FEDERAL REGISTER on December 31, 1938, a preliminary determination that a prima facie case had been shown for the granting of an exemption pursuant to Section 526.3 of regulations issued thereunder, to that branch of the tobacco industry engaged in the buying, handling, stemming, and redrying of green leaf to-bacco of types 11, 12, 13, 14, 21, 22, 23, 24, 31, 35, 36 and 37 (as defined by the Bureau of Agricultural Economics of the United States Department of Agriculture) and the packing and storing thereof; and

Whereas, no objection and request for hearing has been received by the Administrator within fifteen days following the publication of his said preliminary determination in the FEDERAL REGISTER:

Now, therefore, pursuant to Section 526.5 (c) of the aforesaid regulations. the Administrator hereby finds that upon the prima facie case shown upon the said applications, that that branch of the tobacco industry engaged in the buying, handling, stemming, and redrying of green leaf tobacco of types 11. 12, 13, 14, 21, 22, 23, 24, 31, 35, 36 and 37 (as defined by the Bureau of Agricultural Economics of the United States Department of Agriculture) and the packing and storing thereof is a seasonal industry within the meaning of Section 7 (b) (3) of the Fair Labor Standards Act and regulations issued thereunder, and hence is entitled to the

²3 F. R. 3192 DI.

of the said Act.

Signed at Washington, D. C., this 27th day of January, 1939.

> ELMER F. ANDREWS, Administrator.

[F. R. Doc. 39-309; Filed, January 27, 1939; 11:26 a. m.]

FINDING THAT THE NATURAL ICE HARVEST-ING AND PACKING INDUSTRY IS A SEA-SONAL INDUSTRY WITHIN THE MEANING of Section 7 (b) (3) of the Fair Labor STANDARDS ACT AND REGULATIONS ISSUED THEREUNDER

Whereas, applications have been made by Bayport Ice Company, Addison Miller Company and sundry other parties engaged in the industry of harvesting and packing of natural ice, pursuant to Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of regulations issued thereunder,1 for partial exemption from the maximum hours provisions of Section 7 (a) of said Act pursuant to the provisions of Section 7 (b) (3) applicable to industries found by the Administrator of the Wage and Hour Division to be of a seasonal nature; and

Whereas, it appeared from said applications that:

(1) natural ice is formed in commercial quantities on lakes, ponds, and rivers only in the winter months, and

(2) natural ice can be and is harvested only in the regularly recurring winter months when the natural ice is available, and

(3) natural ice can be and is packed into ice houses or refrigerator cars only at harvesting time, and

Whereas, the Administrator on the basis of such applications and pursuant to Section 526.5 (c) of the aforesaid regulations published in the Federal Register on January 6, 1939,2 a preliminary determination that a prima facie case had been shown for the granting of an exemption pursuant to Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Section 526.3 of regulations issued thereunder, to the natural ice harvesting and packing industry; and

Whereas, no objection and request for hearing has been received by the Administrator within fifteen days following the publication of his said preliminary determination in the Federal Register;

Now, therefore, pursuant to Section 526.5 (c) of the aforesaid regulations, the Administrator hereby finds that upon the prima facie case shown upon the said applications the natural ice harvesting and packing industry is a seasonal industry within the meaning of Section 7 (b) (3) of the Fair Labor Standards Act and regulations issued thereunder and hence is

exemption provided in Section 7 (b) (3) entitled to the exemption provided in of the Fair Labor Standards Act of 1938 Section 7 (b) (3) of the said Act.

Signed at Washington, D. C., this 27th day of January, 1939.

> ELMER F. ANDREWS. Administrator.

[F. R. Doc. 39-310; Filed, January 27, 1939; 11:26 a. m.)

FINDING THAT THE LOOSE LEAF TOPACCO Warehouse Industry Is a Seasonal In-DUSTRY WITHIN THE MEANING OF SEC-TION 7 (B) (3) OF THE FAIR LABOR STAND-ARDS ACT AND REGULATIONS ISSUED THEREUNDER

by the Georgia Florida Warehouse Asso- | leaf tobacco industry insofar as said inciation and sundry other parties engaged in the operation of auction or loose leaf | 13, 14, 21, 22, 23, 24, 31, 35, 36, and 37 tobacco warehouses for leaf tobacco of types 11, 12, 13, 14, 21, 22, 23, 24, 31, 35, 36, and 37 (as defined by the Bureau of Agricultural Economics of the United industry within the meaning of Section States Department of Agriculture), pursuant to Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of regulations issued thereunder,1 for partial exemption from the maximum hours provisions of Section 7 (a) of said Act pursuant to the provisions of said Section 7 (b) (3) applicable to industries found by the Administrator of the Wage and Hour Division to be of a seasonal nature,

Whereas, it appeared from said applications that:

(1) the operations of the auction or loose leaf tobacco warehouse industry consists of the services necessary and incidental to the sale at auction of green leaf tobacco of the types above enumerated, in some instances including stripping the tobacco from the stalk and the grading thereof, and

(2) the warehouses are in operation only at certain seasons of the year because green tobacco, being the materials used by the industry, is available for natural reasons only at those seasons,

(3) the earliest season begins about August first and the latest about January first and that the shortest season is about four weeks and the longest about four months, and

(4) the warehouses wherein said operations are performed, close at the end of the operating season each year except for maintenance, repair, clerical and sales work, and

Whereas, the Administrator on the basis of such applications and pursuant to Section 526.5 (c) of the aforesaid regulations published in the FEDERAL REG-ISTER on January 6, 1939, a preliminary determination that a prima facic case had been shown for the granting of an exemption pursuant to Section 7 (b) (3)

and Section 526.3 of regulations issued thereunder, to the auction and loose leaf tobacco warehouse industry insofar as said industry uses leaf tobacco of types 11, 12, 13, 14, 21, 22, 23, 24, 31, 35, 36, and 37 (as defined by the Bureau of Agricultural Economics of the United States Department of Agriculture); and

Whereas, no objection and request for hearing has been received by the Administrator within fifteen days following the publication of his said preliminarydetermination in the Federal Register;

Now, therefore, pursuant to Section 526.5 (c) of the aforesaid regulations, the Administrator hereby finds that upon the prima facie case shown upon the Whereas, applications have been made said applications the auction and loose dustry uses leaf tobacco of types 11, 12, (as defined by the Bureau of Agricultural Economics of the United States Department of Agriculture) is a seasonal 7 (b) (3) of the Fair Labor Standards Act and regulations issued thereunder. and hence is entitled to the exemption provided in Section 7 (b) (3) of the said Act.

Signed at Washington, D. C., this 27th day of January, 1939.

> ELMER F. AMDREWS. Administrator.

[F. R. Doc. 39-311; Filed, January 27, 1939; 11:27 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

National Bituminous Coal Commission.

[Docket Nos. 502-ID, 538-ID to 590-ID, inc.]

BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 1, LINCOLN TRUST BUILD-ING, ALTOONA, PENNA., COMPLAINANT, VS. CHESTER J. LANGBON, EXECUTOR OF JOHN LANGDON ESTATE, TRADING AS LANGDON COAL COMPANY, UNION NATIONAL BANK BUILDING, HUNTINGDOM, PENNA., DE-FERDARIT; DON R. SIMPSON, TRADING AS SIMPSON COAL COMPANY, FRIEDENS, PENNA., DEFENDANT; PENN SMOKELESS FUEL COMPANY, JEROME, PENNA., DE-FENDANT; CHARLES-W. DAVIS, RECEIVER, MIDDLE PEHHISYLVANIA COAL CORP., MADERA, PERIKA., DEFERIDANT

ORDER GRANTING WITHDRAWAL OF COM-PLAINTS

Bituminous Coal Producers' Board for District No. 1 having filed with the Commission petitions in each of the aboveentitled matters, praying for permission to withdraw its complaints filed therein. and the Commission having considered said petitions and the reasons set forth therein, permission is hereby granted to said Bituminous Coal Producers' Board for District No. 1 to withdraw said sev-

²3 F. R. 2534, 3127 DI. ²4 F. R. 71 DI.

¹3 F. R. 2534, 3127 DI. ²4 F. R. 71 DI.

entitled matters.

The Secretary of the Commission is hereby directed to mail a copy of said order to the Secretary of said Bituminous Coal Producers' Board for District No. 1, and to each of the said defendants in the above-entitled matters.

By order of the Commission.

Dated this 25th day of January 1939. [SEAL] F. WITCHER McCullough.

Secretary.

[F. R. Doc. 39-293; Filed, January 26, 1939; 3:13 p. m.]

[Docket No. 522-FD]

In the Matter of the Application of JOHN FOLLANSBEE, GEO. T. LADD AND ISAAC M. SCOTT, TRUSTEES FOR FOLLANS-BEE BROTHERS COMPANY

ORDER AND NOTICE FOR HEARING

The above-named applicants having filed with the Commission their application for determination of the status of coal under Section 4 II (1) of the National Bituminous Coal Act of 1937,

Now, therefore, it is hereby ordered:

- 1. That, beginning on the 14th day of February, 1939, at 10:00 o'clock a. m., at the Hearing Room of the Commission, Walker Building, Washington, D. C., a hearing on the above application be held before an Examiner of this Commission, to be designated and appointed to take testimony and receive evidence in this proceeding, and to perform all other duties authorized by law.
- 2. The Secretary of the Commission is directed forthwith to mail a copy of this Order and Notice to the applicants, or to their attorney of record, to the Consumers' Counsel, to the Secretary of each District Board, and shall cause a copy hereof to be filed and made available for inspection at each of the Statistical Bureaus of the Commission, and shall cause a copy hereof to be published in the FED-ERAL REGISTER.

By order of the Commission

Dated at Washington, D. C., this 25th day of January, 1939.

[SEAL] F. WITCHER McCullough. Secretary.

[F. R. Doc. 39-290; Filed, January 26, 1939; 3:12 p. m.]

[Docket No. 600-FD]

IN THE MATTER OF THE APPLICATION OF UNION RAILROAD COMPANY FOR DETER-MINATION OF STATUS UNDER SECTION 4 II (1) OF THE ACT

ORDER AND NOTICE FOR HEARING

The above-named applicant having filed with the Commission an application for determination of the status of its coal, alleging that the provisions of

eral complaints in each of said above- first paragraph of Section 4-A of the in this proceeding, and to perform all Act.

Now, therefore, it is hereby ordered:

- 1. That, beginning on the 20th day of February, 1939, at 10:00 o'clock a. m., at the Hearing Room of the Commission, Walker Building, Washington, D. C., a hearing on the above application be held before an Examiner of this Commission, to be designated and appointed to take testimony and receive evidence in this proceeding, and to perform all other duties authorized by law.
- 2. The Secretary of the Commission is directed forthwith to mail a copy of this Order and Notice to the applicant, or to its attorney of record, to the Consumers' Counsel, to the Secretary of each District Board, and shall cause a copy hereof to be filed and made available for inspection at each of the Statistical Bureaus of the Commission, and shall cause a copy hereof to be published in the Federal Register.

By order of the Commission. Dated at Washington, D. C., this 25th day of January 1939.

[SEAL] F. WITCHER McCullough,

[F. R. Doc. 39-291; Filed, January 26, 1939; 3:12 p. m.]

[Docket No. 602-FD]

IN THE MATTER OF THE WEST KENTUCKY COAL COMPANY-COMPLAINT OF UNITED MINE WORKERS OF AMERICA, DISTRICT No. 23, Alleging Violation of Section 9 (a) OF BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR HEARING

A complaint pursuant to Section 9 of the Bituminous Coal Act of 1937, having been duly filed by the United Mine Workers of America, District No. 23, alleging that the West Kentucky Coal Company is a producer supplying coal for the use of the United States, and is not complying with the provisions of subsection (a) of Section 9 of the Bituminous Coal Act of 1937, and praying that the Commission hold a hearing to determine whether said producer is complying with said subsection, and if the Commission finds that said producer is not complying with said provisions, it shall certify its findings to the government departments or agencies having contracts to purchase coal from the said producer; and it appearing advisable to the Commission that the time fixed by the Commission's Rules of Practice and Procedure for the filing of an answer to the said complaint be shortened:

Now, therefore, it is hereby ordered:

1. That beginning on the 6th day of February, 1939, at 10:00 o'clock A. M., at the hearing room of the Commission. Walker Building, Washington, D. C., a hearing on the above-named complaint be held before an Examiner of this Com-Section 4 (1) of the Act exempt its coal mission, to be designated and appointed from the provisions of Section 4 and the to take testimony and receive evidence

other duties authorized by law;

- 2. That the time fixed by the Commission's Rules of Practice and Procedure, for the filing of an answer to a complaint be shortened in this proceeding from twenty (20) days to fifteen (15) days;
- 3. The Secretary of the Commission is directed forthwith to mail a copy of this Order and Notice to the West Kentucky Coal Company and the United Mine Workers of America, District No. 23, or to their attorneys of record, to the Consumers Counsel, Interior Department, Post Dffice Department and War Department, and shall cause a copy hereof to be published in the FIDERAL REGISTER.

By order of the Commission.

Dated at Washington, D. C., this 25th day of January, 1939.

[SEAL] F. WITCHER MCCULLOUGH. Secretary.

[F. R. Doc. 39-292; Filed, January 26, 1939; 3:12 p, m.]

DEPARTMENT OF AGRICULTURE.

Sugar Division.

ALLOTMENT OF 1939 SUGAR QUOTA FOR MAINLAND CANE SUGAR AREA

NOTICE OF CHANGE IN PLACE AND DATE OF HEARING

The public hearing in regard to the allotment of the 1939 sugar quota for the mainland cane sugar area originally scheduled to be held at Atlanta, Georgia, on February 7, 1939, will be held at Mobile, Alabama, in the Y.M.C.A. Auditorium, on February 8, 1939, at 10 a. m., and the notice of such hearing issued by the Secretary of Agriculture on January 18, 1939, is hereby amended accordingly.

Done at Washington, D. C., this 27th day of January 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE, Secretary of Agriculture.

[F. R. Doc. 39-316; Filed, January 27, 1939; 12:11 p. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket No. 14-401(E)-1]

PAN AMERICAN AIRWAYS, INC. ...

Application for a permanent certificate of public convenience and necessity under section 401 (e) (1) of the Civil Aeronautics Act of 1938, to engage in scheduled air transportation in the carriage of Passengers, Property and Mail, over routes between:

Miami, Florida, and Buenos Aires, Argentina; via Cuba; Haiti; Dominican Republic; San Juan, Puerto Rico; St. Thomas, Virgin Islands; British West Indies; Guadeloupe; Martinique; Trini-

¹4 F. R. 384 DI.

ana; French Guiana; Brazil, (including Departmental Auditorium) Washington, Rio de Janeiro); Paraguay; and Uruguay; or any combination of two or more of said countries or places.

Miami, Florida, and Cristobal, Canal Zone, via Cuba; Jamaica; and Colombia; or any one or more of said countries.

Miami, Florida, and Colombia; via Cuba and Jamaica; or any one or more of said countries.

Miami, Florida, and Havana, Cuba. Miami, Florida, and the Bahama Is-Iands.

Miami, Florida, and Merida, Mexico; via Cuba; and between Merida, Mexico, and Belize, British Honduras.

Cristobal, Canal Zone, and Trinidad; via Columbia, and Venezuela; or any one or more of said countries.

Brownsville, Texas, and Cristobal, Canal Zone; via Mexico; Guatemala; El Salvador; Honduras; Nicaragua; Costa Rica; Panama; and Balboa, Canal Zone; or any combination of one or more of said countries or places.

Brownsville, Texas, and Mexico City, Mexico; with or without an intermediate stop or intermediate stops in Mexico.

Haiti and Jamaica; with an intermediate stop in Cuba, (except that authorization for the transportation of United States mail on this route is not included in this application).

Miami, Florida, and Venezuela; via Cuba and Haiti; or any one or more of said countries (except that authorization for the transportation of United States mail on the sector of this route between Haiti and Venezuela is not included in this application).

[Docket No. 27-401 (E)-1] PANAMA AIRWAYS, INC.

Application for a permanent certificate of public convenience and necessity under section 401 (e) (1) of the Civil Aeronautics Act of 1938, to engage in scheduled air transportation in the carriage of passengers and property over a route between Cristobal, Canal Zone, and Balboa, Canal Zone.

[Docket No. 28-401 (E)-1]

URABA, MEDELLIN AND CENTRAL AIRWAYS. INC.

Application for a permanent certificate of public convenience and necessity under section 401 (e) (1) of the Civil Aeronautics Act of 1938, to engage in scheduled air transportation in the carriage of passengers, property and mail, over a route between Cristobal, Canal Zone, and Medellin, Colombia, with intermediate stops at Balboa, Canal Zone and at Turbo, Colombia.

NOTICE OF HEARING

JANUARY 27, 1939.

The above-entitled proceedings are assigned for public hearing on February 27, 1939, 10 o'clock a. m. (Eastern Standard Time) at the offices of the Civil Aero- 14F.R. 217 DL

D. C., before Examiner F. A. Law.

By the Authority.

[SEAL]

PAUL J. FRIZZELL, Secretary.

[F. R. Doc. 39-317; Filed, January 27, 1939; 1:04 p. m.]

[Docket No. 33-401 (E)-1]

PAN AMERICAN-GRACE AIRWAYS, INC.

Application for a permanent certificate of public convenience and necessity under section 401 (e) (1) of the Civil Aeronautics Act of 1938, to engage in scheduled air transportation in the carriage of passengers, property and mail over the route between Cristobal (Canal Zone) and Buenos Aires (Argentina), with intermediate stops in Columbia. Ecuador and Peru and thence (a) with intermediate stops in Chile and Argentina with connecting service between Chile and Bolivia and (b) with intermediate stops in Bolivia (or in Chile and Bolivia) and Argentina.

NOTICE OF HEARING

JANUARY 27, 1939.

The above-entitled proceeding is assigned for public hearing on March 6, 1939, 10 o'clock a. m. (Eastern Standard Time at the offices of the Civil Aeronautics Authority (Conference Room "B" Departmental Auditorium), Washington, D. C., before Examiner F. A.

For the Authority:

[SEAL]

PAUL J. FRIZZELL, Secretary.

[F. R. Doc. 39-318; Filed, January 27, 1939; 1:04 p. m.]

[Docket No. 6-406 (A)-1]

PAN AMERICAN AIRWAYS COMPANY

Application to fix and determine fair and reasonable rates of compensation for the transportation of mail by aircraft, and facilities used and useful therefor, and the service connected therewith, on the route between San Francisco, California and Hong Kong, China.

SPECIAL ORDER CONTINUING PROCEEDING

At a session of the Civil Aeronautics Authority held at its office at Washington, D. C. on the 26th day of January 1939.

The above-entitled matter, heretofore having been set for public hearing on January 16, 1939, and thereafter continued until January 31, 1939, and the Authority finding that

(1) Said date of January 16, 1939. was determined upon with the understanding that the exhibits to be prepared by the applicant and submitted

dad; British Guiana; Netherlands Gui- | nautics Authority, (Conference Room "B" | to the Authority would be received by the Authority not later than January 9, 1939.

- (2) By stipulation of counsel for the applicant and the Authority, that the hearing in the above entitled proceeding was continued from January 16, 1939, to January 31, 1939, with the under-standing that the aforesaid exhibits would be received by the Authority not later than January 16, 1939.
- (3) Said exhibits are very voluminous and were not received by the Authority until January 25, 1939, with the result that only four and one-half days are available to the legal and analytical staff of the Authority prior to January 31, 1939, in which to assemble and check the matter therein contained in preparation for such hearing.
- (4) The proper preparation and submission of the case to the Authority requires the analysis of accounting practices, the investigation of the allocation of costs throughout a large system of corporations, of which applicant is one of the affiliates, the examination of operations practices in an unique air transport operation, and the projection of operations costs incident to the use of new types of equipment not yet employed by any air transport company, all of which cannot feasibly be done in the four and one-half days remaining before January 31, 1939, as aforesaid.
- (5) The calendar of the Authority does not permit conveniently of setting the case down for hearing on any date during the week commencing January 30, 1939, or the week commencing February 6, 1939.
- (6) By reason of the foregoing facts, it is in the public interest to continue the hearing of the above entitled matter from January 31, 1939, and to set the same down for hearing on February 14, 1939.

It is ordered. That the above entitled proceeding heretofore set for public hearing on January 31, 1939, be, and the same hereby is, continued to February 14, 1939, at 10:00 A. M. (Eastern Standard Time) at the office of the Civil Aeronautics Authority, Washington, D. C., before the Authority.

By the Authority:

[SEAL]

PAUL J. FRIZZELL, Secretary.

[F. R. Doc. 39-319; Filed, January 27, 1939; 1:37 p.m.]

FEDERAL COMMUNICATIONS COM-MISSION.

[Docket No. 5469]

In the Matter of Volume Press Rates of PRESS WINELESS, INC.

ORDER

At a session of the Federal Communications Commission, held at its office in January, A. D. 1939.

The Commission having under consideration the subject of the charges of Press Wireless, Inc., and of the classifications, regulations, and practices affecting the charges, where such charges differ depending on the volume of traffic, applicable to the transmission of communications for the press in interstate and foreign commerce;

It is ordered, That an investigation be, and it is hereby, instituted by the Federal Communications Commission, on its own motion, into and concerning the lawfulness of the maximum, minimum, and precise basis of all charges and of the classifications, regulations, and practices relating thereto, applicable to the transmission by the Press Wireless, Inc., of communications for the press, where the charges differ depending on the volume of traffic, in interstate and foreign commerce, with a view to determining whether the charges and the classifications, regulations, and practices, relating thereto, of the Press Wireless, Inc., applicable to such transmission are in any respect in violation of law, and of making such findings and entering such order or orders in the premises, and of taking such other and further action, as the facts and circumstances may appear to warrant;

It is further ordered, That the Press Wireless, Inc., be, and is hereby made a respondent to this proceeding, that this order be served upon the respondent, and that notice to the public be given by posting a copy of this order in the office of the Secretary of the Commission; and

It is further ordered, That said proceeding be, and is hereby assigned for hearing the 27th day of February, A. D. 1939, at 10:00 A. M., Standard time, at the office of the Federal Communications Commission, Washington, D. C.

By the Commission.

[SEAL]

T. J. SLOWIE. . Secretary.

[F. R. Doc. 39-313; Filed, January 27, 1939; 11:55 a. m.1

[Docket No. 5470]

IN THE MATTER OF VOLUME PRESS RATES OF GLOBE WIRELESS LTD. AND PRESS WIRE-LESS, INC.

ORDER

At a session of the Federal Communications Commission, held at its office in Washington, D. C. on the 24th day of January, A. D. 1939.

It appearing that there have been filed with the Federal Communications Commission tariffs containing schedules stating new charges and new classifications, regulations, and practices affecting such charges to become effective on the 27th 27th day of February, 1939, at the office

Washington, D. C. on the 24th day of lay of January, 1939, and later, desig-1 of the Federal Communications Commisnated as follows:

> · Globe Wireless Ltd. F. C. C. No. 11

Press Wireless, Inc. F. C. C. No. 5

It is ordered, That the Commission, on its own motion, without formal pleading enter upon a hearing concerning the lawfulness of the charges, and of the classifications, regulations, and practices stated in the said schedules contained in said tariffs; viz., all provisions applicable in connection with Deferred Press services on Pages 229, 234, and 342 of Globe Wireless Ltd. F. C. C. No. 11; and all provisions on Pages 451, 460, and 470 of the same tariff; also, all provisions shown as applicable to "Toll Services" from Paris. France, to New York, N. Y., on Thirteenth and Fourteenth Revised Pages 13 of Press Wireless, Inc. F. C. C. No. 5.

It further appearing, that said schedules make certain changes in rates for the interstate and foreign transmission of "Deferred" and "Rush" press communications, and the rights and interests of the public appearing to be injuriously affected thereby, and it being the opinion of the Commission that the effective dates of the said schedules contained in said tariffs should be postponed pending said hearing and decision thereon;

It is further ordered, That the operation of the said schedules contained in said tariffs be suspended, and that the use of the rates, charges, classifications, regulations, and practices therein stated be deferred until the 27th day of April, 1939, unless otherwise ordered by the Commission, and no change shall be made in such charges, classifications, regulations, and practices during the said period of suspension, unless authorized by special permission of the Commission.

It is further ordered, That the charges and the classifications, regulations, and practices thereby sought to be altered shall not be changed by any subsequent tariff or schedule, until this investigation and suspension proceeding has been disposed of or until the period of suspension has expired, unless authorized by special permission of the Commission.

It is further ordered, That a copy of this order be filed with said schedules in the office of the Federal Communications Commission, and that copies hereof be forthwith served upon the carriers parties to such schedules, and that said carriers parties to said schedules be, and they are hereby, made respondents to this proceeding: and

It is further ordered, That this proceeding be, and the same is hereby assigned for hearing at 10:00 A. M., on the sion, Washington, D. C.

By the Commission.

[SEAL]

T. J. SLOWIE, Secretary.

[F. R. Doc. 39-314; Filed, January 27, 1939; 11:55 a. m.]

RURAL ELECTRIFICATION ADMINIS-TRATION.

[Administrative Order No. 317]

AMENDMENT OF PRIOR ALLOCATIONS OF FUNDS FOR LOANS

JANUARY 25, 1939.

I hereby amend Administrative Order No. 69,1 dated March 9, 1937, by rescinding the \$92,000 allocated to Connecticut Mississippi.

I hereby amend Administrative Order No. 242,2 dated April 23, 1938, by rescinding the \$92,000 allocated to Connecticut 8005A1 Windham.

I hereby amend Administrative Order No. 122,3 dated August 6, 1937, by rescinding the \$100,000 allocated to Oregon 8015 Multnomah.

I hereby amend Administrative Order No. 311,4 dated December 3, 1938, by rescinding \$70,000 of the \$128,000 allocated to Washington R9025B1 Cowlitz.

> JOHN M. CARMODY, Administrator.

[F. R. Doc. 39-296; Filed, January 27, 1939; 10:40 a. m.]

SECURITIES AND EXCHANGE COM-MISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of January 1939.

[File No. 1-737]

IN THE MATTER OF TEXAS PACIFIC LAND TRUST CERTIFICATES OF PROPRIETARY IN-TEREST, \$100 PAR VALUE

ORDER CORRECTED GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Certificates of Proprietary Interest, \$100 Par Value, of Texas Pacific Land Trust; and

¹² F. R. 519 (604 DI).

²3 F. R. 1020 DI. ²2 F. R. 2424 (2816 DI).

⁴⁸ F. R. 2884 DI.

having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on February 2, 1939.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 39-305; Filed, January 27, 1939; 11:09 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of January 1939.

[File No. 1-2904]

IN THE MATTER OF BADGER PAPER MILLS, INC. COMMON STOCK, NO PAR VALUE

ORDER CORRECTED GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRA-TION

The Badger Paper Mills, Inc., pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its Common Stock, No Par Value, from listing and registration on the Chicago Stock Exchange; and

After appropriate notice,2 a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on February 2, 1939.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR. Secretary.

[F. R. Doc. 39-306; Filed, January 27, 1939; 11:10 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington on the 23rd day of January 1939.

[File No. 51-17]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION

ORDER APPROVING APPLICATION

Columbia Gas & Electric Corporation. a registered holding company, having applied pursuant to Section 12 (c) of the Public Utility Holding Company Act

After appropriate notice, a hearing of 1935 and Rule U-12C-2 promulgated United States of America—Before the thereunder for approval of the declaration and payment of the regular quarterly dividends in the amount of \$1,627,-175 normally payable on February 15, 1939 on its Cumulative 6% Preferred Stock, Series A, Cumulative Preferred Stock, 5% Series and 5% Cumulative Preference Stock;

A public hearing having been held on the application after appropriate notice;1 prior to the filing of the Commission's findings and order herein the applicant having waived a Trial Examiner's report, the right to submit findings of fact to the Commission and to have submitted to it proposed findings of fact by counsel to the Commission, the right to file briefs and the right to oral argument before the Commission; the Commission having considered the record in this matter and made and filed its findings herein;

It is ordered, That said application be and the same hereby is approved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 39-308; Filed, January 27, 1939; 11:10 a. m.]

United States of America-Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 24th day of January, A. D. 1939.

[File No. 30-52]

IN THE MATTER OF CITIZENS PUBLIC SERV-ICE COMPANY BY WILLIAM W. BATTLES, Winthrop H. Battles, Joseph B. Keen, AND WILLIAM H. REYNOLDS, JR., AS LIQ-UIDATING DIRECTORS OR TRUSTEES

ORDER RELATIVE TO STATUS AS A HOLDING COMPANY

William W. Battles, Winthrop H. Battles, Joseph B. Keen and William H. Reynolds, Jr., as liquidating directors or trustees of Citizens Public Service Company, a registered holding company, having made application pursuant to Section 5 (d) of the Public Utility Holding Company Act of 1935 for an order declaring that said company had ceased to be a holding company; a hearing thereon having been held after due notice thereof; the record in the matter having been duly considered, and the Commission having entered its findings and opinion thereon:

It is ordered, That Citizens Public Service Company has ceased to be and at this time is not a holding company, said order to become effective the 24th day of January, 1939.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 39-303; Filed, January 27, 1939; 11:09 a, m.]

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of January 1939.

IFile No. 37-231

In the Matter of Engineers Public SERVICE COMPANY, INC.

AMENDED ORDER APPROVING A MUTUAL SERV-ICE COMPANY PURSUANT TO PARAGRAPHS (B) AND (D) OF SECTION 13 OF THE PUE-LIC UTILITY HOLDING COMPANY ACT, 1935

Approval as a mutual service company, based upon the findings of fact and conclusions of law made in this matter, having been granted to Applicant in an Order of Approval dated December 27, 1938;1 and

This Commission having subsequently considered further the terms and conditions of its Order of Approval; and

Applicant having agreed by Stipulation dated January 12, 1939 and filed with this Commission that Condition No. (1) of the Order of Approval may be changed to read as hereinafter set forth:

It is ordered, That the stipulation above referred to be and the same hereby is made part of the record herein.

It is further ordered, That said Order of Approval, dated December 27, 1938, in the above styled and numbered matter, be and the same hereby is amended to read as follows:

"Approval, based upon the findings of fact and conclusions of law made in this matter, is granted Applicant as a mutual service company subject to the following conditions that:

"(1) In the event of a contemplated substantial change in its organization, the type or character of the companies to be serviced, the method of allocating costs to associate companies, or an increase in the scope of services to be rendered, Applicant shall first obtain the approval of this Commission of such change.

"(2) If the operation of Applicant's cost-allocation method does not result in a fair and equitable allocation of its costs among the associate serviced companies. the Commission will require, after notice and opportunity for hearing, prospective adjustments, and, to the extent that it appears feasible and equitable, retroactive adjustments of such cost allocations.

"(3) At the time of filing its annual report on Form U-13-60, Applicant shall file a supplemental report each year, listing the services, and the cost thereof, received in the preceding year by it from Stone & Webster Engineering Corporation and Stone & Webster Service Corporation or any other person or company associated or affiliated with Stone & Webster, Inc.

"(4) Applicant shall furnish satisfactory proof at any future time upon re-

¹3 F. R. 2772 DI.

²³ F. R. 3180 DI.

⁴ F. R. 58 DL 23 F.R. 3143 DL

Securities and Exchange Commission

¹⁴ F.R. 25 DI.

quest of the Commission that direct | pany subject to the following conditions | charges are actually being made insofar that: as costs can be identified and related to particular transactions without excessive effort or expense.

"(5) Applicant shall furnish satisfactory proof at any future time upon request of the Commission that the cost of services rendered to its member companies is reasonably lower than the cost of comparable services furnished by independent persons.

"This order is not to be construed as a ruling that Applicant may not be required to effect any changes in its organization and operation, or any other to conform with the Act, present or future rules, regulations or orders.

"This order shall become effective December 31, 1938."

It is further ordered That this Amended Order be effective as of the effective date of the original Order of Approval.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 39-299; Filed, January 27, 1939; 11:07 a. m.]

United States of America-Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of January 1939.

[File No. 37-26]

IN THE MATTER OF FEDERAL ADVISERS, INC. AMENDED ORDER APPROVING A SUBSIDIARY SERVICE COMPANY PURSUANT TO SECTION 13 OF THE PUBLIC UTILITY HOLDING COM-PANY ACT, 1935

Approval of the organization and the conduct of its business as a subsidiary service company, based upon the findings of fact and conclusions of law made in this matter, having been granted to Declarant in an Order of Approval dated December 27, 1938; 1 and

This Commission having subsequently considered further the terms and conditions of its Order of Approval; and

Declarant having agreed by Stipulation dated January 12, 1939, and filed with this Commission that Condition No. (1) of the Order of Approval may be changed to read as hereinafter set forth:

It is ordered, That the Stipulation above referred to be and the same hereby is made part of the record herein.

It is further ordered, That said Order of Approval dated December 27, 1938 in the above styled and numbered matter, be and the same hereby is amended to read as follows:

"Approval, based upon the findings of fact and conclusions of law made in this matter, is granted Declarant to conduct its business as a subsidiary service com- is made part of the record herein.

"(1) In the event of a contemplated substantial change in its organization, the type and character of the companies to be serviced, the method of allocating costs to associate companies, or an increase in the scope of services to be rendered, Declarant shall first obtain the approval of this Commission of such change.

"(2) If the application of Declarant's cost-allocation method does not result in a fair and equitable allocation of its costs among the associated serviced companies, the Commission will require, after changes which become necessary for it notice and opportunity for hearing, prospective adjustments, and, to the extent that it appears feasible and equitable, retroactive adjustments of such cost allocations.

> "This order is to become effective on December 31, 1938, but is not to be construed as a ruling that Declarant may not be required to effect any changes in its organization and operation, or any other changes which become necessary for it to conform with the Act, present or future rules, regulations or orders."

> It is further ordered, That this Amended Order be effective as of the effective date of the original Order of Approval.

By the Commission.

ESEAL I FRANCIS P. BRASSOR,

Secretary.

[F. R. Doc. 39-298; Filed, January 27, 1939; 11:06 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of January 1939.

[File No. 37-27]

In the Matter of the Commonwealth & SOUTHERN CORPORATION

AMENDED ORDER APPROVING A MUTUAL SERV-ICE COMPANY PURSUANT TO SECTION 13 OF THE PUBLIC UTILITY HOLDING COM-PANY ACT, 1935

Approval as a mutual service company, based upon the findings of fact and conclusions of law made in this matter, having been granted to Applicant in an Order of Approval dated December 27, 1938; and

This Commission having subsequently considered further the terms and conditions of its Order of Approval; and

Applicant having agreed by Stipulation dated January 13, 1939 and filed with this Commission that Condition No. (1) of the Order of Approval may be changed to read as hereinafter set forth;

It is ordered, That the Stipulation above referred to be and the same hereby

It is further ordered, That said Order of Approval dated December 27, 1938, in the above styled and numbered matter. be and the same hereby is amended to read as follows:

"Approval, based upon the findings of fact and conclusions of law made in this matter, is granted Applicant as a mutual service company subject to the following conditions that:

"(1) In the event of a contemplated substantial change in its organization, the type and character of the companies to be serviced, the method of allocating costs to associate companies, or an increase in the scope of services to be rendered, Applicant shall first obtain the approval of this Commission of such change.

"(2) If the operation of Applicant's cost-allocation method does not result in a fair and equitable allocation of its; costs among the associate serviced companies, the Commission will require, after notice and opportunity for hearing, prospective adjustments, and, to the extent that it appears feasible and equitable, retroactive adjustments of such cost allocations.

"This order is to become effective on December 31, 1938, but is not to be construed as a ruling that Applicant may not be required to effect any changes in its organization and operation, or any other changes which become necessary for it to conform with the Act, present or future rules, regulations or orders."

It is further ordered. That this Amended Order be effective as of the effective date of the original Order of Approval.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 39-300; Filed, January 27, 1939; 11:07 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of January 1939.

[File No. 37-29]

IN THE MATTER OF NORTHEASTERN WATER & ELECTRIC SERVICE CORPORATION

AMENDED ORDER APPROVING A SUBSIDIARY SERVICE COMPANY PURSUANT TO PARA-GRAPH (B) OF SECTION 13 OF THE PUBLIC UTILITY HOLDING COMPANY ACT, 1935

Approval of the organization and the conduct of its business as a subsidiary service company, based upon the findings of fact and conclusions of law made in this matter, having been granted to Declarant in an Order of Approval dated December 27, 1938; 1 and

⁴ F.R. 26 DI.

²⁴ F. R. 26 DI.

This Commission having subsequently considered further the terms and conditions of its Order of Approval; and

Declarant having agreed by Stipulation dated January 16, 1939 and filed with this Commission that Condition No. (1) of the Order of Approval may be changed to read as hereinafter set forth:

It is ordered. That the Stipulation above referred to be and the same hereby is made part of the record herein.

It is further ordered, That said Order of Approval dated December 27, 1938 in the above styled and numbered matter, be and the same hereby is amended to read as follows:

"Approval, based upon the findings of fact and conclusions of law made in this matter, is granted Declarant to conduct its business as a subsidiary service company subject to the following conditions

"(1) In the event of a contemplated substantial change in its organization, the type and character of the companies to be serviced, the method of allocating costs to associate companies, or any substantial increase in the scope of services to be rendered, Declarant shall first obtain the approval of this Commission of such change.

"(2) If the application of Declarant's cost-allocation method does not result in a fair and equitable allocation of its costs among the associate serviced companies, the Commission may require, after notice and opportunity for hearing. prospective adjustments, and, to the extent that it appears feasible and equitable, retroactive adjustments of such cost allocations.

"(3) Declarant will not without the prior approval of this Commission either pay for or obtain on behalf of itself or the associate companies serviced by it any services from any of the organizations generally known as the "61 Broadway Companies", including specifically the following persons and companies:

Utility Auditors and Tax Consultants. Public Utility Investing Corporation. Finance and Securities Assistants.

Transfer and Paying Agency. Corporate Records and Secretarial As-

sistants.

Securities Registration Agency.

E. J. Cheney.

Engineering and Consulting Associates.

Daniel Starch and Staff.

Utility and Financial Advertising Agency.

H. C. Hopson.

H. C. Hopson & Co.

their successors and assigns.

"This order is not to be construed as a ruling that Declarant may not be required to effect any changes in its organization and operation, or any other changes which become necessary for it to conform with the Act, or with present or future rules, regulations or orders.

cember 31, 1938,"

It is further ordered, That this Amended Order be effective as of the effective date of the original Order of Approval.

By the Commission.

[SEAL]

Francis P. Brasson, Secretary.

[F. R. Doc. 39-302; Filed, January 27, 1939; 11:08 a. m.)

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of January 1939.

[File No. 37-37]

In the Matter of William A. Baehr ORGANIZATION, INC.

AMENDED ORDER APPROVING A SUBSIDIARY SERVICE COMPANY PURSUANT TO SECTION 13 OF THE PUBLIC UTILITY HOLDING COMPANY ACT

Approval of the organization and the conduct of its business as a subsidiary service company, based upon the findings of fact and conclusions of law made in this matter, having been granted to Declarant in an Order of Approval dated December 27, 1938;1 and

This Commission having subsequently considered further the terms and conditions of its Order of Approval; and

Declarant having agreed by Stipulation dated January 13, 1939 and filed with this Commission that Condition No. (1) of the Order of Approval may be changed to read as hereinafter set forth;

It is ordered, That the Stipulation above referred to be and the same hereby is made part of the record herein.

It is further ordered, That said Order of Approval dated December 27, 1938 in the above styled and numbered matter, be and the same hereby is amended to read as follows:

"Approval, based upon the findings of fact and conclusions of law made in this matter, is granted Declarant to conduct its business as a subsidiary service company subject to the following conditions United States of America—Before the

"(1) In the event of a contemplated substantial change in its organization, the type and character of the companies to be serviced, the method of allocating costs to associate companies, or an increase in the scope of services to be rendered, Declarant shall first obtain the approval of this Commission of such change.

"(2) If the application of Declarant's cost-allocation method does not result in a fair and equitable allocation of its costs among the associate and non-associate serviced companies, the Commission will require, after notice and opportunity for

"This order shall become effective De- | hearing, prospective adjustments, and, to the extent that it appears feasible and equitable, retroactive adjustments of such cost allocations.

"Approval is also granted Declarant to acquire its stock in the amount of \$80,000 par value from North Continent Utilities Corporation for no cash consideration.

"This order is to become effective on December 31, 1938, but is not to be construed as a ruling that Declarant may not be required to effect any changes in its organization and operation, or any other changes which become necessary for it to conform with the Act, present or future rules, regulations or orders."

It is further ordered. That this Amended Order be effective as of the effective date of the original Order of Approval.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR. Secretary.

[P. R. Dec. 39-301; Filed, January 27, 1939; 11:03 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 25th day of January, A. D. 1939.

[File No. 32-126]

IN THE MATTER OF ALAEAMA POWER COMPANY

ORDER CONSENTING TO WITHDRAWAL OF AP-PLICATION UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 PURSUANT TO REQUEST OF APPLICANT

The Commission, upon the request of the above-named applicant, consents to the withdrawal of the above-captioned application, and to that effect.

It is so ordered.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR. Secretary.

[F. R. Doc. 39-304; Filed, January 27, 1939; 11:09 a. m.]

Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission; held at its office in the City of Washington, D. C., on the 25th day of January, A. D. 1939.

[File No. 43-160]

In the Matter of Columbia Gas & Elec-TRIC CORPORATION

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

Columbia Gas & Electric Corporation, a registered holding company, having filed a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the reduction in its common capital represented by 12.304.282

¹⁴ F.R. 27 DL

shares of its no-par value common stock charge in question shall not be made from \$194,349,005.62 to \$12,304,282.00 without reducing the number of shares; and said declarant having prayed that the Commission approve as a proper charge to "Surplus Prior to January 1, 1938" the dividends aggregating \$1,627,-175, declared on January 6, 1938 and paid on February 15, 1938 on its preferred and preference stocks:

Public hearings having been held on the declaration after appropriate notice: the declarant having waived a Trial Examiner's report, the right to submit findings of fact to the Commission, and to have submitted to it proposed findings of fact by counsel to the Commission, the right to file briefs and the right to oral argument before the Commission; and the · Commission having considered the record in this matter and having made and filed its findings herein;

It is ordered, That said declaration be and become effectivé forthwith subject, however, to the following conditions and reservations:

(1) The declaration shall cease to become effective unless prior to the submission of the proposed restatement in common capital account to the preference and common stockholders and of the compliance with the provisions of Rule U-12E-2 with respect to the solicitation of proxies, the proposed restatement of common capital account shall be submitted to a class vote of the preferred and preference stockholders, and shall receive the approval of a majority of the stock of each class voted at the meeting called for such purpose. For the purpose of this condition, the Cumulative 6% Preferred Stock, Series A, and the Cumulative Preferred Stock 5% Series, shall be deemed to constitute a single class. This requirement shall be in addition to the requirements of declarant's Articles and the Delaware General Corporation Law.

(2) No charges shall be made either to "Special Capital Surplus" or to "Surplus Prior to January 1, 1938" (other than the \$1,627,175 dividend charge hereinabove described and the items specifically proposed in the declaration to be charged to such accounts) unless (a) such charge has previously been authorized by appropriate resolution of declarant's board of directors, and (b) subsequent to such resolution of the board of directors, thirty days' prior notice of the making of such charge be given to this Commission. The Commission reserves jurisdiction, on receipt of such notice, in and as part of the proceedings herein, after notice given within such thirty days and opportunity for hearing, to disapprove such charge on the basis of the record herein and any additional evidence that may be adduced by any interested party; and in the event that the Commission shall notify declarant to show cause why such charge should not be disapproved, the

until expressly authorized by order of may charge to "Surplus Prior to Januthis Commission.

-(3) With respect to any part of such "Special Capital Surplus" or of the "Surplus Prior to January 1, 1938" which is not used for the purposes outlined by the deelarant, jurisdiction is reserved by this Commission, in and as part of the proceedings herein, with respect to the ultimate disposition of such balances; and, unless the time be extended by application to this Commission and order thereon, balances remaining in "Special Capital Surplus" and "Surplus Prior to January 1, 1938" on December 31, 1942 shall be restored to common capital stock account as of the date last mentioned.

(4) The Commission retains and reserves full jurisdiction under the Act with respect to dividends and surplus, including jurisdiction to enter such orders in this proceeding or otherwise as it may hereafter deem advisable: (a) to require additional charges (other than those specifically proposed by declarant) to "Special Capital Surplus" or to "Surplus Prior to January 1, 1938"; (b) to prohibit the declaration or payment of dividends on the common stock or otherwise to protect the preferred and preference stockholders in the light of such charges (in addition to those presently proposed to be made) as may hereafter be made to "Special Capital Surplus" or to "Surplus Prior to January 1, 1938"; and (c) irrespective of the extent of such charges, to prevent the payment of dividends on the common stock unless, after the declaration thereof and after making provision for all existing dividend requirements on the preferred and preference stocks, there will remain consolidated "Earned Surplus Since December 31, 1937" equal to the requirements for six quarterly dividends on the preferred and preference stocks of declarant. Such consolidated earned surplus may include earned surplus of the declarant in the amount of \$1,627,175 subject to the condition imposed in paragraph (5) hereof, but shall in other respects represent unrestricted earned surpluses of declarant and its subsidiaries legally available for the payment of dividends. The Commission also reserves full power and jurisdiction hereafter to act at any time under section 11 (b) (2) with respect to any unfair or inequitable distribution of voting power whether now existing or hereafter arising.

(5) No dividend shall in any event be declared or paid upon the common stock of declarant, without further order of this Commission, unless after the declaration of such dividend, there will remain corporate "Earned Surplus Since December 31, 1937" of declarant in excess of the aggregate of all accrued and unpaid dividends on declarant's preferred and preference stocks, plus a sum of \$1,627,175.

(6) All published balance sheets of declarant shall-contain appropriate footnotes reflecting the limitations and conditions imposed by this order.

It is further ordered, That declarant ary 1, 1938" the dividends aggregating \$1,627,175, declared on January 6, 1938 and paid on February 15, 1938 on its preferred and preference stocks.

By the Commission.

FRANCIS P. BRASSOR, [SEAL] Secretary.

[F. R. Doc. 39-297; Filed, January 27, 1939; 11:06 a. m.]

United States of America-Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of January, A. D. 1939.

[File No. 2-1349]

IN THE MATTER OF DORIS RUBY MINING COMPANY

STOP ORDER

This matter coming on to be heard before the Commission on the registration statement of Doris Ruby Mining Company, a Colorado corporation, after confirmed telegraphic notice to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements . therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant; and

The registrant having filed two motions for the dismissal of these proceedings; and

The Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading in Items 13, 37, 39, 45, 47, 52. Exhibit H and the prospectus, all as more fully set forth in the Commission's Findings of Fact and Opinion this day issued: and

The Commission having duly considered the aforesaid motions, all as more fully set forth in the aforesaid Findings of Fact and Opinion; and

The Commission now being fully advised in the premises.

It is ordered, That the aforesaid motions to dismiss this proceeding be and the same hereby are denied; and

It is further ordered, Pursuant to Section 8 (d) of the Securities Act of 1933, that the effectiveness of the registration statement filed by Doris Ruby Mining Company, a Colorado corporation, be and the same hereby is suspended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 39-307; Filed, January 27, 1939; 11:10 a. m.]

¹3 F. R. 2643 DI.